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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,107	07/31/2001	Kevin P. Headings	108.0008-00000	7091
22882	7590	10/02/2008	EXAMINER	
MARTIN & FERRARO, LLP 1557 LAKE O'PINES STREET, NE HARTVILLE, OH 44632				AKINTOLA, OLABODE
3691		ART UNIT		PAPER NUMBER
10/02/2008		MAIL DATE		DELIVERY MODE
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/921,107	HEADINGS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	OLABODE AKINTOLA	3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 July 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 7-14, 19-21, 23-27 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 7-14, 19-21, 23-27 and 32-35 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/18/2008; 7/10/2008</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 7-14, 19-21, 23-26 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode et al. (USPN 6163272) (“Goode”) in view of Pawson (USPN 6944585) (“Pawson”) in view of Swix of et al (USPN 6718551) (“Swix”).

Re claims 7 and 19: Goode teaches a system and method for controlling access to digital media content by a user, the system comprising: a database for storing main accounts and sub-accounts required to access the digital media content, at least one of said main accounts being linked to at least one of said sub-accounts (col. 5, lines 59-64); and a computer processor programmed to

selectively restrict access to the digital media content by said main accounts and said sub-accounts (col. 2, lines 60-63), said computer processor being programmed to permit at least one of said main accounts to control access to the digital media content available to said at least one of said main accounts and one or more sub-accounts associated with said at least one of said main accounts (col. 5, lines 36-49), said computer processor being programmed to make available the digital media content to at least one of said main account and said sub accounts based on the selective parameters (col. 5, line 36 - col. 6, line 6).

Goode does not explicitly teach a database including demographic information for a user of at least one of said main accounts and a user of at least one of said sub accounts; processor being programmed to group users of the main account and the users of the sub accounts into at least grouping of account users, the users in the at least one grouping having at least one demographic characteristic in common and processor being programmed to make available the digital media content to at least one of said main account based on the grouping of the user of the at least one of the main account and to make available the digital media content to at least one of the said sub accounts based on the grouping of the user of the at least one of said sub accounts.

However, Pawson teaches a database including demographic information for viewers (abstract Fig. 1, RN {146,148}); and processor being programmed to make available the digital media content to the viewers based on the demographic information of the viewers (abstract, Fig. 1, RN {145}). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goode to include this feature. One would have been motivated to do this in order to present digital media content to the user of at least one of said main accounts and a user

of at least one of said sub accounts tailored to the individual or demographics of the users (Pawson: col. 1, lines 56-60).

Swix teaches the concept of classifying individual subscriber in a demographic group for targeted advertisement (col. 4, lines 1-8; col. 5, lines 10-21, col. 6, lines 8-25, col. 7, lines 31-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goode to include this feature. One would have been motivated to do this in order to present digital media content to multiple account holders so that multiple account holders accessing the same media content can receive different targeted advertisement (Swix: col. 7, lines 39-42).

Re claims 8, 23, 24 and 32: Goode teaches the step wherein said processor restricts access to the digital media content according to selected spending limits; wherein said spending limit is imposed on a time-based value (col. 2, lines 5-63; col. 5, line 20 – col. 6, line 6).

Re claims 9 and 33: Goode teaches the step wherein said processor restricts access to the digital media content according to a type of content; wherein the type of content is based on a genre of at least one of video and audio media (col. 2, lines 21-23 and col. 5, lines 27-30).

Re claims 10 and 26: Goode teaches the step wherein said processor restricts access to the digital media content in accordance with a rating system (col. 2, lines 56-60).

Re claims 11 and 25: Goode teaches the step wherein said processor restricts access to the digital media content according to viewing times (col. 2, lines 56-60).

Re claims 12 and 21: Goode teaches the step wherein said processor is programmed to permit the user of at least one of said main account to selectively restrict access to at least one of said sub-accounts linked to the main account (col. 5, line 59- col. 6, line 6).

Re claims 34 and 35: Goode teaches step wherein the digital media content is offered through a subscription service, one of said account holders being a subscriber to said subscription service; wherein the subscriber is a commercial entity (col. 4, lines 17-19).

Re claim 20: Goode teaches the step wherein said step of imposing restrictions includes the sub-step of imposing restrictions selectively among the primary account and the sub-account (col. 2, lines 15-23).

Claims 13, 14 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode in view of Pawson in view of Swix and further in view of Lotvin et al. (U. S. Patent No. 6178407) (Lotvin).

Re claims 13, 14 and 27: Goode, Pawson and Swix are as discussed above. Goode does not explicitly teach the steps wherein said processor is adapted to generate a report of the spending habits of the viewers using the accounts and wherein said processor is adapted to generate a

report of the viewing habits of the viewers using the accounts. Pawson further teaches storing viewers purchasing and viewing habits (col. 5, lines 22-31). Lotvin teaches steps wherein said processor is adapted to generate a report of the spending habits of the viewers using the accounts and wherein said processor is adapted to generate a report of the viewing habits of the viewers using the accounts (col. 9, lines 5-21). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goode to include the steps wherein said processor is adapted to generate a report of the spending habits of the viewers using the accounts and wherein said processor is adapted to generate a report of the viewing habits of the viewers using the accounts as taught by Lotvin so that such report can be analyzed for statistical purposes.

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

/Hani M. Kazimi/  
Primary Examiner, Art Unit 3691